

In re Patent Application of
MICHAEL BLABER ET AL.
Serial No. 10/037,633
Filed January 3, 2002

Additionally, should the Examiner refuse joinder of Groups I and II for examination, Applicants would agree to an Examiner's amendment cancelling without prejudice Group II Claims 19-37 and 49-52.

REMARKS

In order to comply with the restriction requirement imposed in the Office action, Applicants have elected claims in Group I for further prosecution in this application. Applicants, however, respectfully disagree and traverse this requirement.

According to MPEP § 803, a restriction requirement is proper when 1) the inventions are independent or distinct as claimed, **and** 2) there is a serious burden on the examiner if restriction is not required. Applicants recognize that the Examiner has determined that the inventions are distinct from each other.

MPEP § 803 further requires an additional criterion for the proper imposition of a restriction. That is, the inventions must be independent or distinct **and** there must be a serious burden on the examiner if restriction is not required. This serious burden refers to a search burden.

Groups I and II are both classified in class 435, subclass 189. Accordingly, Applicants respectfully request that the Examiner exercise his discretion and examine these two groups of claims together, as they both require a common search strategy in the same class/subclass. Therefore, it should represent no serious additional burden for the Office to examine all the claims of Groups I and II together in a single application. In fact, it would be much more efficient to examine these claims as part of this one application, rather than to require a divisional application for these two embodiments of the invention.

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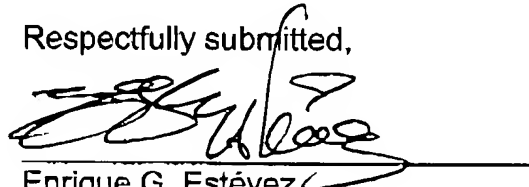
GROUP 1600

Conclusion

Applicants, therefore, have made an election of claims, but respectfully request that the restriction requirement be withdrawn, and that the claims be examined together in this application.

If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned at his convenience.

Respectfully submitted,



Enrique G. Estévez
Reg. No. 37,823
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
255 S. Orange Ave., Suite 1401
P. O. Box 3791
Orlando, Florida 32802
(407) 841-2330

CERTIFICATE OF FILING BY FACSIMILE

I hereby certify that this correspondence is being filed by facsimile transmission to Group Art Unit No. 1652 at its No. for Non-Final Faxes, 703-305-3014, on this 6th day of March, 2003.


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